

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY, and
MONSANTO TECHNOLOGY LLC

Plaintiffs,

v.

E.I. DUPONT DE NEMOURS AND
COMPANY and PIONEER HI-BRED
INTERNATIONAL, INC.,

Defendants.

Case No. 4:09-cv-00686 ERW

**CONSENT MOTION TO AMEND FOURTH AMENDED CASE
MANAGEMENT ORDER – PATENT (DOCKET NO. 935)**

The parties, through their respective counsel of record, hereby jointly move that the Court enter the following stipulation as an order of the Court:

STIPULATION

1. The parties are entering into this Stipulation to facilitate expert discovery following entry of the Court's Memorandum and Order dated January 5, 2012. [Dkt No. 1001]
2. The parties jointly stipulate and move the Court to extend the expert discovery and dispositive motion deadlines by four weeks, ordering the following modifications to the Fourth Amended Case Management Order. These proposed changes take advantage of the approximately one month extension to the original proposed trial date in the Court's proposed Fourth Amended Case Management Order [Dkt No. 914] (proposing trial commence June 11, 2012) and the final date set in the Fourth Amended Case Management Order [Dkt No. 935] (setting trial to commence July 9, 2012).

a. The parties shall disclose all rebuttal expert witnesses and shall provide the reports required by Rule 26(a)(2) no later than **February 13, 2012**. If secondary considerations reports are disclosed in rebuttal to Defendants' expert reports addressing obviousness, Defendants shall have the opportunity to submit reply reports on the issues of secondary considerations no later than **March 12, 2012**.

b. The parties shall make all expert witnesses available for depositions, and have all such depositions completed, no later than **March 19, 2012**.

c. Any motions to dismiss, motions for judgment on the pleadings, and motions for summary judgment must be filed no later than **March 30, 2012**.

3. The Trial date, and all other dates reflected in the Fourth Amended Case Management Order, including the dates set by the Court for the Final Pretrial Conference and Jury Selection, shall remain unchanged.

4. The parties further stipulate that the Consent Order regarding Authentication of Documents [Dkt No. 941] be modified to extend to **February 3, 2012** the date by which the parties must indicate any documents identified pursuant to Paragraph 1 of that Order.

5. In view of the Court's January 5, 2012 Order [Dkt No. 1001], Defendants agree to withdraw their Motion to Strike Monsanto's Newly Raised Evidence and Contentions First Disclosed in Expert Reports [Dkt No. 985], unless Monsanto attempts to renew its motion [Dkt No. 963] later in this action. Defendants, however, specifically reserve the right to file motion(s) seeking to exclude any of Monsanto's expert opinions due in any way to the failure to satisfy the requirements for expert testimony set forth in Fed. R. Evid. 702, or any other substantive grounds.

Dated: January 10, 2012

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Respectfully submitted,

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SO ORDERED:

E. Richard Webber, Judge

Dated: _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 10th day of January, 2012, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

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